

REMARKS

Favorable consideration, examination, and allowance of the present patent application are respectfully requested. The foregoing amendments are made to further advance prosecution. No new matter has been entered.

Applicant and Applicant's representative greatly appreciate the very helpful interview held with the Examiner on May 13, 2008. The amendments above, and the comments below have been made in consideration of this discussion. The Interview Summary Form adequately reflects the substance of the interview.

Entry of Amendment

During the interview, the Examiner asked for a detailed explanation of why the amendment made at the time of filing the Request for Continued Examination does not contain New Matter. Specifically, the Examiner asked for Applicants to point to specific support for the change from "SEQ ID NO: 4" to "SEQ ID NO: 5" in claim 10. In paragraph [0030] of the specification, the source of the sMMO gene is described, with reference to both the GenBank sequence and the report of the sequence in the literature. This sequence, that encoding sMMO, is designated in the instant application as "SEQ ID NO: 5" (see line 8 of paragraph [0030]). It is clear in the original claims that the sequence to be expressed in the claimed method is that of soluble-type MMO, or sMMO, which is referred to in line 4 of claim 1. As this is a known sequence which has been reported in the literature and registered with GenBank, and it is clear from the specification and original claims that the sMMO gene is to be expressed in the cells of the claimed method, it is clear that the sequence identifier in claim 10 should be SEQ ID NO: 5. Furthermore, it is clear that the sequence depicted in SEQ ID NO: 4 is that of a probe, and does not encode a full-length protein, that is, this is clearly an error. It is clear that the correct recitation of the DNA encoding sMMO is "SEQ ID NO: 5". Entry thereof is respectfully requested.

Conclusion

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If Examiner Marx believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, she are invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

Date: May 19, 2008

By: 
Shelly Guest Cermak
Registration No. 39,571

U.S. P.T.O. Customer Number 38108
Cermak Kenealy & Vaidya, LLP
515 E. Braddock Road, Suite B
Alexandria, VA 22314
703.778.6608